REMARKS

By this amendment, claims 1-3, 5, 7-13, 15-23, 25, 27-33, 35, 37, 38, and 41-44 are pending, in which claims 4, 6, 14, 15 (2nd occurrence), 24, 26, 34 and 36 are canceled without prejudice or disclaimer, claims 1, 5, 7, 8, 11, 15 (1st occurrence), 17, 21, 25, 27, 31, 35, and 37 are currently amended, and claims 41-44 are newly presented. No new matter is introduced.

The Office Action mailed April 23, 2001 rejected claims 1-3, 6, 11-13, 16, 21-23, 26, 31-33 and 36 as obvious under 35 U.S.C. § 103 based on *Struhsaker et al.* (US 6,434,129), claims 1-3, 6, 11-13, 16, 21-23, 26, 31-33 and 36 as obvious under 35 U.S.C. § 103 based on *Struhsaker et al.* in view of *Graves et al.* (US 6,741,572), and claims 6, 16, 26 and 36 as obvious under 35 U.S.C. § 103 based on *Struhsaker et al.* (US 6,434,129) in view of *Rudrapatna et al.* (US 5,592,470).

Applicants appreciate the indication that claims 4, 5, 7-10, 14, 15, 17-20, 24, 25, 27-30, 34, 35, and 37-40 are allowable if rewritten in independent form.

To advance prosecution, Applicants have amended independent claims 1, 11, 21, and 31 to incorporate the features of allowable dependent claims 4, 14, 24, and 34, respectively. Additionally, claims 7, 17, 27, and 37 have been recast in independent form including the intervening claims. Therefore, the obviousness rejections are rendered moot.

With respect to the newly added claims, independent claims 41 and 42 are directed, respectively, to a method of apportioning bandwidth among a plurality of terminals and an apparatus for supporting apportionment of bandwidth among a plurality of terminals; each recites "receiving a bandwidth request from one of the

terminals for capacity, wherein the capacity includes a provisioned portion and an unprovisioned portion, and a portion of the terminals are designated as a pool that includes a plurality of sub-pools, the provisioned portion being allocated to the sub-pools and being arranged into sub-partitions, wherein one of the sub-partitions is not associated with the sub-pools and another one of the sub-partitions is associated with the sub-pools" and "allocating available capacity from the sub-partition to one of the sub-pools including the one terminal to permit overflow of traffic based on the bandwidth request, wherein the provisioned portion is allocated to the pool for overflow of traffic for any one of the terminals." Claim 43 is drawn to a method for providing bandwidth apportionment, and claim 44 is directed to an apparatus for providing bandwidth apportionment. Claims 43 and 44 recite "receiving a bandwidth request from one of a plurality of terminals for capacity", "determining whether the bandwidth request specifies a capacity partition parameter including a group partition, a group sub-partition, or an un-allocated partition", and "apportioning bandwidth capacity to satisfy the bandwidth request based on the capacity partition parameter using a multi-phase allocation scheme to permit servicing of overflow traffic from the one terminal, wherein the multi-phase allocation scheme sequentially allocates the capacity on a sub-group basis, a group basis, and un-allocated partition basis, respectively." The features in the above new claims are not anticipated or made obvious by the art of record.

In response to the objections to the drawings and specification, appropriate amendments have been made according to the Examiner's helpful suggestions.
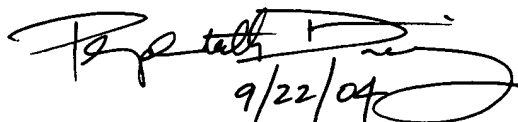
Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as

expeditiously as possible. All correspondence should continue to be directed to the

below-listed address.

Respectfully submitted,

9/22/04

Phouphanomketh Ditthavong
Attorney for Applicant
Registration No. 44,658

HUGHES ELECTRONICS CORPORATION
Patent Docketing Administration
P.O. Box 956
Bldg. 1, Mail Stop A109
El Segundo, CA 90245-0956